

IN THE SUPERIOR COURT OF RICHMOND COUNTY
STATE OF GEORGIA

CLERK OF SUPERIOR, STATE
AND JUVENILE COURT
FILED FOR RECORD

2017 JUL 14 AM 9:35

HATTIE HOLMES SULLIVAN
CLERK, RICHMOND CO., GA.

IN RE: GRAND JURY PRESENTMENT FOR THE MAY TERM 2017

The Grand Jury having returned the attached general presentment for the May Term 2017, and the same having been reviewed and accepted by the Court on July 14, 2017, it is now,

ORDERED that the said presentment shall be filed in the Office of the Clerk of Superior Court for Richmond County, and that it shall be published once in the *Augusta Chronicle*, the legal gazette for said County; and

FURTHER ORDERED that the said general presentment shall be posted by the Director of Information Technology on the Augusta-Richmond County website for public access through the Internet (World Wide Web).

It is so ORDERED this 14th day of July 2017.



Michael N. Annis
Superior Court Judge
Augusta Judicial Circuit

TO: The Honorable Michael N. Annis
Judge, Superior Court

FROM: Richmond County Grand Jury
May Term 2017

DATE: July 14, 2017

RE: Grand Jury Presentment

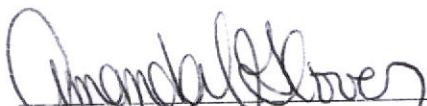
We, the members of the Augusta-Richmond County Grand Jury for the May Term 2017, having been duly sworn by the Honorable Michael N. Annis on the 15th day of May 2017, submit our presentment on the 14th day of July, our last day as an official body of the Grand Jury.


To discharge our sworn duties, as prescribed by the laws of the State of Georgia, we met on nine (9) dates during our term and acted upon Bills of Indictments presented to us by the District Attorney's Office.

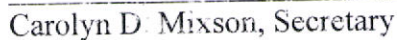
A Sub-Committee was formed to inspect Probate Court. The applicable report is attached.

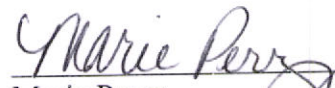
In addition to our assigned duties, this Grand Jury appointed two Members to the Board of Equalization; the report is attached.

The Grand Jury respectfully submits this presentment on the 14th day of July 2017 and requests that it is published.

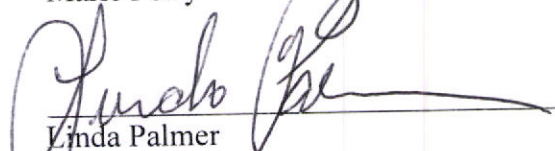

Amanda Glover, Foreperson


Daniel Klingel, Asst. Foreperson



Carolyn D. Mixson, Secretary

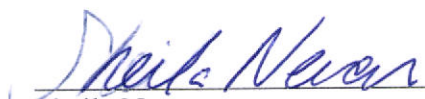

Marie Perry

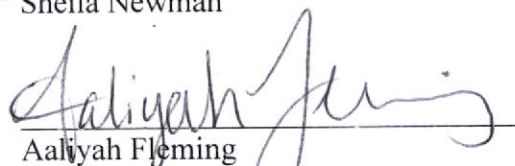

Johnetta Godbee

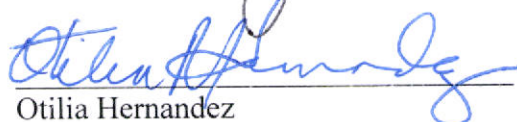

Linda Palmer


Travis Tom

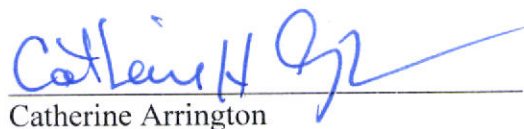

Deloris Bates

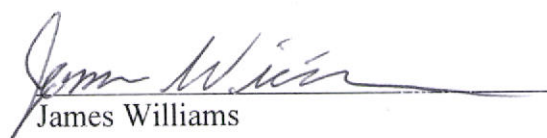

Sheila Newman


Aaliyah Fleming

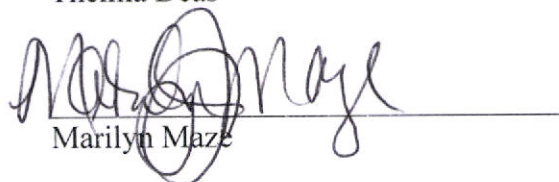

Otilia Hernandez

Edwin Pollock, III

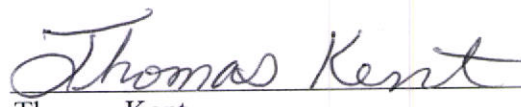

Catherine Arrington

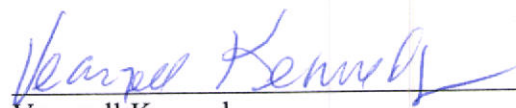

James Williams


Thelma Deas

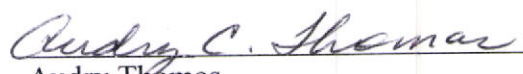

Marilyn Maze

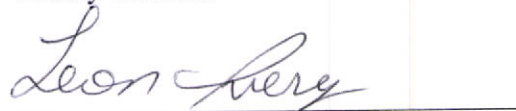
Glen Sizemore, Alternate

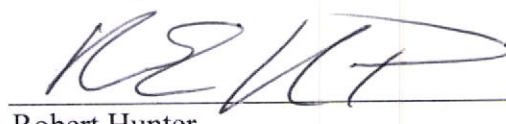

Thomas Kent


Vearnell Kennedy


Lauren Dye


Audry Thomas


Leon Ivery


Robert Hunter

Nyomi Crawford

Angeline Andrews-Milton, Alternate

Pheashia Gomillion, Alternate

SUB-COMMITTEE OF THE MAY TERM 2017 GRAND JURY REPORT ON PROBATE COURT

On Tuesday, May 30, 2017, a Sub-Committee of the May 2017 Term of the Richmond County Grand Jury conducted an inspection of Probate Court located in the Judicial Center at 735 James Brown Blvd., Augusta, Georgia. Sub-Committee Members arrived at 12:00 noon and were greeted by Chief Clerk Joy Daniels who escorted us to Courtroom 1001 where we met with Judge Harry James III.

Judge James has worked in the probate system for 25 years and has served as Probate Court Judge for five years. He described the duties of Probate Court as vast and multi-faceted involving judicial, administrative, managerial and governmental responsibilities. (Reference the Georgia Code on Jurisdiction, Duties and Powers of the Probate Courts found at the end of this report.)

Since the last Sub-Committee Report in September 2014, changes impacting Probate Court include: Tax Commissioner's Office has jurisdiction over peddler's licenses, state law mandated a decrease in fees charged for conceal carry permit, gun license applications have increased to a minimum of 250 new applications a month and marriage licenses and conceal carry applications can be initiated online and completed in person at the Probate Court Office. The Probate Office does not yet have the front counter's protective glass partition; however, plans are underway to install soon.

After a very informative question-and-answer session with the Judge and Chief Clerk, the office tour began at 1:03 p.m. Chief Clerk Joy Daniels (with 18 years of service to the court) started the tour and Deputy Chief Clerk Lacy Grantham (with 17 years) completed it. The tour included the judge's office, conference area, clerks' workstations, storage areas, front counter areas and the "community" computer information system.

In addition to Judge James, Probate Court has one part-time Judge, Ben Allen, and ten employees. The office employees' average salary is equivalent to the starting salary of a fast-food worker, below poverty wages. There are no plans in place for salary increases, raises or incentive plans to encourage employee retention. Sufficient office space does not exist for the projected two to four employees needed to accommodate the county's projected population growth over the next two to four years. The Probate Office generates an average of \$30,000.00 per month returned to the County and has an operating budget averaging \$750,000.00 per year.

Judge James shared these little known facts about the responsibilities of Probate Court: registering farmer's cattle brands, appointing temporary public officers, swearing in public officers, issuing warrants and holding hearings involving school officials and police officers. Since Richmond County has a separate traffic court, this relieves Probate Court from the responsibility of hearing traffic cases.

Conclusions:

- 1) Although the Augusta-Richmond County Judicial Center was constructed in 2011, Probate Court offices demonstrate no evidence of the County planning for the vast storage needs of this court that includes maintaining copies of marriage licenses dating back to 1795, storage

of historical county records and storage of the local newspaper dating back to the 1800's. Overflow records have been stored at a Marvin Griffin Road location since the new offices opened in 2011 and many records are being stored on microfilm. It is unclear as to whether microfilm records are stored on Silver Halide film, i.e. the best quality form of microfilm, nor is it clear as to what steps are being taken to prevent mold growth that is so common with the use of microfilm. There have been recent attempts to digitalize some records. Since 2000, records of hearings are slowly being scanned onto an online searchable database. The National Counsel of Probate Judges is working on software development solutions for digital storage of newspapers. Reviewed at their Spring Conference in May 2017, this topic will be discussed further at the Fall Conference in November 2017. Many of the very old Richmond County paper marriage licenses are laminated or on microfilm, not digitalized. Based on our interviews and examination of facilities and operations, we find that Judge James and his staff are performing their duties in a professional and efficient manner. They are accomplishing this irrespective of facility and space constraints beyond their control.

- 2) In spite of storage concerns, Judge James indicated that the formal courtroom is, in general, usually adequate to serve the requirements of his proceedings. However, there are occasions when he has to move into one of the larger courtrooms within the building.
- 3) Staff floor space for carrying out day-to-day operations and interaction with the public needing their services is quite cramped and limited due to vast amounts of documents, microfilm and case files occupying significant amounts of the total floor space assigned to Probate Court operations in the building.
- 4) While we did not discuss specific compensation of individual staff members, we did inquire about general staff compensation rates. Staff is paid well below a living wage. Based on this information, we believe that employees of this court are underpaid considering the importance of and precision required for their work.

Recommendations and Specific Actions:

This Sub-Committee's collective experience has been in the private and government sector. Some of our recommendations may not be compatible or possible with state and local laws or county procedure. However, we feel that insofar as possible, the County should consider the following actions:

- 1) Physical contiguous general staff workspace is currently grossly inadequate. In 2011, Probate Court should have remained in a separate building in consideration of the court's vast storage needs
- 2) The Chief Clerk does not have an office. However, her current workstation is directly under an air vent with adequate electrical outlets. Therefore, an investment of \$2,500.00 for parts and approximately 16 hours of labor would easily accommodate the installation of a non-load bearing wall with a door to provide the privacy and dignity this office requires.
- 3) Although The National Counsel of Probate Judges is working on software development solutions for digital storage of newspapers, Georgia state law requires Probate Court to store paper copies of the newspaper. Public libraries are also state government agencies that

handle the storage of thousands of newspapers and other periodicals for years. Richmond County should explore the possibility of lawfully getting on the same legal page as their public library governmental counterpart for maintaining records, thereby eliminating the need to reinvent the wheel. This further demonstrates the need for a stand-alone building for Probate Court. It is likely that acquiring already digitized local newspapers may be available free as the cost of doing business in our city. The purchase of additional technology equipment for data storage may be required (as an additional benefit, a potential fire hazard in the storage area of large amounts of flammable paper will be removed).

- 4) Concentrate on digitizing records in the contiguous space. During the tour, we noticed portable scanners on staff members' desks and recommended utilizing the volunteer efforts of students from local magnet schools or colleges to assist with scanning records as opposed to paying outside agencies. Obviously, some staff supervision would be required. We believe this would have many benefits for the community, the court and public relations. This would provide a significant, positive cost benefit to the court. The sooner the court can come into the 21st century and expand the digital storage of records, the better. It provides for very efficient document search and retrieval, greatly reduces space requirements and provides excellent long-term record retention security with an efficient back-up system already being utilized by the Court.
- 5) A serious review and upgrade of staff compensation for Probate Court should be undertaken immediately. The County should recognize the need for a living wage. There are no plans in place for salary increases, raises or incentive plans in place to encourage employee retention. The Chief Clerk and Deputy Chief Clerk have served the court for more than 15 years; this is rare and employee retention is of great concern to the court. Less than one week after our tour, a valuable staff member resigned. In truth, these essential personnel can command better compensation in the private sector.
- 6) Judge James and Chief Clerk Daniels are planning for the need for additional staff requirements. They acknowledge the fact that Augusta is the second largest city in the state and the city is projected to bring 10,000 to 20,000 additional residents to Richmond County by 2018 due to the ongoing expansion of cyber security jobs and training facilities in our area. This does not include the Augusta University Cyber Institute which broke ground on June 19, 2017 and is under construction less than ten miles away from the Judicial Center. It will employ almost 13,000 personnel. Although we found current staff to be efficient and professional in their duties, there is not enough room to provide workspace for the additional two or three employees Probate Court will need in the next several years.
- 7) We strongly recommend that a significant portion of the collections gathered by Probate Court be utilized to assist in expediting facility upgrades and record storage modernizations for their operations as noted above.

Georgia Code on Jurisdiction, Power and Duties of the Probate Courts:

Universal Citation: GA Code § 15-9-30 (2014)

(a) Probate courts have authority, unless otherwise provided by law, to exercise original, exclusive, and general jurisdiction of the following subject matters:

- (1) The probate of wills;

- (2) The granting of letters testamentary and of administration and the repeal or revocation of the same;
 - (3) All controversies in relation to the right of executorship or administration;
 - (4) The sale and disposition of the property belonging to, and the distribution of, deceased persons' estates;
 - (5) The appointment and removal of guardians of minors, conservators of minors, guardians of incapacitated adults, and conservators of incapacitated adults and persons who are incompetent because of mental illness or mental retardation;
 - (6) All controversies as to the right of guardianship and conservatorship, except that the probate court shall not be an appropriate court to take action under Code Section 19-7-4;
 - (7) The auditing and passing of returns of all executors, administrators, guardians of property, conservators, and guardians;
 - (8) The discharge of former sureties and the requiring of new sureties from administrators, guardians of property, conservators, and guardians;
 - (9) All matters as may be conferred on them by Chapter 3 of Title 37;
 - (10) All other matters and things as appertain or relate to estates of deceased persons and to persons who are incompetent because of mental illness or mental retardation; and
 - (11) All matters as may be conferred on them by the Constitution and laws.
- (b) In addition to the jurisdiction granted in subsection (a) of this Code section and unless otherwise provided by law, the probate courts shall have the power to carry out the following duties as assigned by specific laws:
- (1) Perform county governmental administration duties;
 - (2) Perform duties relating to elections;
 - (3) Fill vacancies in public offices by appointment;
 - (4) Administer oaths to public officers;
 - (5) Accept, file, approve, and record bonds of public officers;
 - (6) Register and permit certain enterprises;
 - (7) Issue marriage licenses;
 - (9) Receive pleas of guilty and impose sentences in cases of violations of game and fish laws;
 - (10) Hold criminal commitment hearings; and
 - (11) Perform such other judicial and ministerial functions as may be provided by law.
 - (12) Granting of year support after the death of a spouse

Sub-Committee Members

Robert Hunter
Daniel Klingel
Marilyn Maze